UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,653	12/31/2003	Kenneth A. Moss	306416.01/MFCP.150262	9390

45809   7590   09/24/2010
SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER
HAMILTON, MATTHEW L

ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
09/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2010*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 27-32* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-25 and 27-32* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in reply to the amendment filed on 14 July 2010. Claims 1, 7, 13, 15-18, 21-22, 29

and 31 have been amended. Claims 1-25 and 27-32 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

3.   Claims 1-2, 4-11, 13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Petropoulos et al. US Patent 7,047,502 B2 in view of Gerace US Patent 5,991,735 further in view of

Nguyen et al. US Publication 2002/0023077 A1 .

Claim 1:

        As per claim 1, **Petropoulos** teaches a device comprising:

a system bus (column 10, line 53-67 "user computers");

a communication connection coupled to the system bus, the communication connection connecting a

network interface to the system bus, wherein a remote computer associated with a paid inclusion

customer is connected to the computing device associated with the service provider via the network

interface (column 10, line 53-67 and column 11, lines 53-63 "paid inclusion program" "user computers

connect to each other as other portions of the network…");

a processor coupled to the system bus (column 10, line 53-67 "user computers");

a system memory coupled to the system bus, the system memory having stored therein computer-executable instructions that, when executed by the processor, cause the computing device to implement a plurality of components, the plurality of components comprising (column 10, line 53-67 "user computers" and "mass storage devices"):

a selection component that allows the paid inclusion customer to select one or more enhancements related to a paid inclusion listing (column 4, lines 15-19, column 6, lines 22-28 and column 11, lines 52-63 "In various implementations of the invention, defined areas may be in any shape or size, located anywhere on the page and may be in configured by a programmer, the user, or any process with sufficient access to the system." and "paid inclusion program");

an enhancement controller component that controls a plurality of enhancements related to the paid inclusion listing, the enhancement controller component interfacing with the paid inclusion customer to facilitate optimizing enhancement selection based in part upon at least one of the following: listing performance, historical data, customer preference or user feedback (column 11, lines 52-63 and column 12, lines 20-34 "The attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented. These conclusions can be used to alter the algorithm and/or data so that the same or similar queries will yield more relevant results." and "paid inclusion program").

Petropoulos teaches a listing control component that controls operation of the enhancement controller component, wherein the listing control component analyzes input from a user and input from the paid inclusion customer to further optimize a value of the paid inclusion listing (column 12, lines 20-49 "The attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented. These conclusions can be used to alter the algorithm and/or data so that the same or similar queries will yield more relevant results." and "paid inclusion program"),

but does not teach and further wherein the listing control component assigns weights to the user and to the paid inclusion customer to optimize the value of the paid inclusion listing. However, **Gerace** teaches assigning weights in column 18, lines 28-42 by disclosing, "As discussed above, sponsors have the ability to place ads according to demographic profile. To do so, advertisers/sponsors complete a template (preferably in the Ad Series Objects 33c) which allows them to list certain criteria as required, and to weight other criteria by importance. To ensure ads are shown to the appropriate target users, the sponsors then selects a minimum total weight which a user's demographic/psychographic profile must achieve before the advertisement is shown to the user. To ensure that sponsors achieve the optimal result from the ads they place, program 31 combines regression analysis with the above weighting technique to achieve real-time, automatic optimization as discussed previously. Under this auto-targeting system, an ad package is shown to general users". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include assigning weights as taught by Gerace in order to provide accurate and relevant search results to the user.

Petropoulos and **Gerace** do not teach a reporting component that generates an enhancement component matrix for facilitating enhancement selection by the paid inclusion customer and that provides the enhancement component matrix to the paid inclusion customer, wherein the enhancement component matrix includes:

(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing;

(2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option;

(3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing. However, **Nguyen** discloses a matrix with rows and column and providing matrix to customer in paragraph 0106 discloses, "The matrix search parameters, i.e., the GDS database, the ROW CONCEPTS and COLUMN CONCEPTS, and the HITs records of the results can be exported/copy filed into other directories by selecting the result ROW CELLS, COLUMN CELLS and PAIR CELLS. This enables the user to reorganize his data into other directories and also send collections of data to other users." Therefore, it would have been obvious to

one of ordinary skill in the art at the time of the invention to modify Petropoulos and Gerace to include a plurality of rows and columns as disclosed in Nguyen in order to execute and show the different combinations or permutation possible in a matrix to a user.

Claim 15:

As per claim 15, **Petropoulos** teaches a device comprising:

a system bus (column 10, line 53-67 "user computers");

a communication connection coupled to the system bus, the communication connection connecting a network interface to the system bus, wherein a remote computer associated with a paid inclusion customer is connected to the computing device associated with the service provider via the network interface (column 10, line 53-67 and column 11, lines 53-63 "paid inclusion program" "user computers connect to each other as other portions of the network…");

a processor coupled to the system bus (column 10, line 53-67 "user computers");

a system memory coupled to the system bus, the system memory having stored therein computer-executable instructions that, when executed by the processor, cause the computing device to implement a plurality of components, the plurality of components comprising (column 10, line 53-67 "user computers" and "mass storage devices"):

a selection component that allows the paid inclusion customer to select one or more enhancements related to a paid inclusion listing (column 4, lines 15-19, column 6, lines 22-28 and column 11, lines 52-63 "In various implementations of the invention, defined areas may be in any shape or size, located anywhere on the page and may be in configured by a programmer, the user, or any process with sufficient access to the system." and "paid inclusion program");

an enhancement controller component that controls a plurality of enhancements related to the paid inclusion listing, the enhancement controller component interfacing with the paid inclusion customer to facilitate optimizing enhancement selection based in part upon at least one of the following: listing performance, historical data, customer preference or user feedback (column 11, lines 52-63 and column 12, lines 20-34 "The attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented. These conclusions can be used to alter the algorithm and/or data so that the same or similar queries will yield more relevant results." and "paid inclusion program").

Petropoulos teaches a listing control component that controls operation of the enhancement controller component, wherein the listing control component analyzes input from a user and input from the paid inclusion customer to further optimize a value of the paid inclusion listing (column 12, lines 20-49 "The attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented. These conclusions can be used to alter the algorithm and/or data so that the same or similar queries will yield more relevant results." and "paid inclusion program"),

Petropoulos teaches a monitoring component that monitors at least one of user behavior and user responses to the paid inclusion listing to facilitate assessing implicit user preferences (column 11, line 65 to column 12, line 10 and column 12, lines 22-34 "The results of monitoring (or attributes) may then be sent across the network to the either the search provider or the owner of the web page hosting the search.").

but does not teach and further wherein the listing control component assigns weights to the user and to the paid inclusion customer to optimize the value of the paid inclusion listing. However, **Gerace** teaches assigning weights in column 18, lines 28-42 by disclosing, "As discussed above, sponsors have the ability to place ads according to demographic profile. To do so, advertisers/sponsors complete a template

(preferably in the Ad Series Objects 33c) which allows them to list certain criteria as required, and to weight other criteria by importance. To ensure ads are shown to the appropriate target users, the sponsors then selects a minimum total weight which a user's demographic/psychographic profile must achieve before the advertisement is shown to the user. To ensure that sponsors achieve the optimal result from the ads they place, program 31 combines regression analysis with the above weighting technique to achieve real-time, automatic optimization as discussed previously. Under this auto-targeting system, an ad package is shown to general users". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include assigning weights as taught by Gerace in order to provide accurate and relevant search results to the user.

Petropoulos and **Gerace** does not teach a reporting component that generates an enhancement component matrix for facilitating enhancement selection by the paid inclusion customer and that provides the enhancement component matrix to the paid inclusion customer, wherein the enhancement component matrix includes:

(1) a plurality of rows, a first one of the plurality of rows corresponding to the paid inclusion listing;

(2) a plurality of columns, each of the plurality of columns corresponding to an enhancement option;

(3) an indication in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing. However, **Nguyen** discloses a matrix with rows and column and providing matrix to customer in paragraph 0106 discloses, "The matrix search parameters, i.e., the GDS database, the ROW CONCEPTS and COLUMN CONCEPTS, and the HITs records of the results can be exported/copy filed into other directories by selecting the result ROW CELLS, COLUMN CELLS and PAIR CELLS. This enables the user to reorganize his data into other directories and also send collections of data to other users." Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos and Gerace to include a plurality of rows and columns as disclosed in Nguyen in order to execute and show the different combinations or permutation possible in a matrix to a user.

Claim 2:

As per claim 2, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Petropoulos** further teaches a display component operatively connected to the enhancement controller component for rendering one or more search results on a display device connected to a remote computer associated with the user, the search results comprising at least one enhanced listing (column 2, lines 42-50 "returned an enhanced list").

Claim 4:

As per claim 4, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Petropoulos** further teaches wherein the one or more enhancements comprising at least one of the following:

a bolded appearance of the listing;

addition of a background to the listing;

alternative color of the listing;

addition of icon to the listing (column 8, lines 28-37 "preview icons and defined areas").

addition of "preferred listing" text to the listing;

addition of thumbnail to the listing;

at least partial animation of the listing; alternative font type of the listing;

alternative font size of the listing;

stylized font of the listing; play of sound when hovering over the listing;

or preferred location on display of the listing.

Claim 5:

As per claim 5, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 4 as described above and **Petropoulos** further teaches wherein the one or more enhancements are visible to the user teach when hovers a mouse cursor over the respective listing (column 4, lines 22-29 "the preview information shown when there is a mouse-over of defined area 60…").

Claim 6:

As per claim 6, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Gerace** further teaches wherein the listing control component utilizes artificial intelligence to determine the weights to assign to the user and the paid inclusion customer (column 18, lines 28-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to Petropoulos to include assigning weights by artificial intelligence as taught by Gerace in order to allow the computer to analyze characteristics of both the user and the paid inclusion customer.

Claim 7:

As per claim 7, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Gerace** further teaches wherein at least one of the one or more selected enhancements expires after a period of time, the period of time being specified by the service provider (column 12, lines 56-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include the expiration of enhancements after a period of time as taught by Gerace in order to change or update search listing designs or enhancements on a regular basis.

Claim 8:

As per claim 8, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Petropoulos** further teaches wherein the enhancement controller further optimizes one or more display attributes to facilitate increased user interaction (column 12, lines 38-51 "The rank of a previewed site may be relevant in that a preview indicates user interest. Therefore, if the original rank was low, there may be cause for alteration.").

Claim 9:

As per claim 9, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Petropoulos** further teaches the one or more enhancements do not influence determining whether enhanced listings are relevant to a search query, thereby retaining ordering rights to keep listings relevant and meaningful to users (column 12, lines 11-20 "...generate results page 754, which generally lists documents or web pages that relate to the query in the order of their perceived relevance.").

Claim 10:

As per claim 10, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Petropoulos** further teaches wherein the one or more enhancements facilitate differentiating enhanced listings from other search results on a search results display (column 5, lines 56-61 and column 6, lines 22-28 "The preview information may also be pre-aged by the programmer for the benefit of the providing a message that may or may not intuitively relate to the defined area." and "which type of preview information to associate with each defined area.").

Claim 11:

As per claim 11, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Petropoulos** further teaches further comprising one or more enhancement components which are controlled by the enhancement controller component and which correspond to a plurality of enhancements available to the paid inclusion customer (column 6, lines 22-28, ...a user or programmer may select one or more of the following: location of the defined area; size of the defined area....").

Claim 13:

As per claim 13, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 1 as described above and **Petropoulos** further teaches wherein the reporting component provides reports comprising at least one of listing performance data, user feedback, historical data, or comparisons of historical data to the paid inclusion customer to facilitate optimizing revenues (column 11, line 65 to column 12, line 10 and column 12,lines 22-34 "The results of monitoring (or attributes) may then be sent across the network to the either the search provider or the owner of the web page hosting the search.").

Claim 16:

As per clam 16, **Petropoulos, Gerace** and **Nguyen** teaches the device of claim 15 as described above and **Nguyen** further teaches wherein the enhancement component matrix further includes an additional plurality of columns, wherein each of the additional plurality of columns corresponds to a performance attribute (paragraph 0106). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos and Gerace to include an enhancement matrix including of plurality of columns as taught by Nguyen in order to show the different performance attributes.

Claim 17:

As per clam 17, **Petropoulos**, **Gerace** and **Nguyen** teaches the device of claim 16 as described above and **Petropoulos** further teaches wherein the performance attribute includes information associated with user responses to the paid inclusion listing (column 11, lines 52-63 and column 12, lines 20-34 "The attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented. These conclusions can be used to alter the algorithm and/or data so that the same or similar queries will yield more relevant results." and "paid inclusion program").

Claim 18:

As per clam 18, **Petropoulos**, **Gerace** and **Nguyen** teaches the device of claim 16 as described above and **Petropoulos** further teaches wherein the performance attribute corresponds to a type of listing the user clicked on, a type of enhancement option, or a time of day that the user was provided with the paid inclusion listing (column 11, lines 52-63 and column 12, lines 20-34 "The attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented. These conclusions can be used to alter the algorithm and/or data so that the same or similar queries will yield more relevant results." and "paid inclusion program").

4.   Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. US Patent 7,047,502 B2 in view of Gerace US Patent 5,991,735 in view of Nguyen et al. US Publication 2002/0023077 A1 as applied to claims 2 and 16 above, and further in view of Cartmell et al. US Patent 7,337,910 B2.

Claim 3:

As per claim 3, **Petropoulos**, **Gerace** and **Nguyen** teaches the device of claim 2 as described above but do not teach wherein the display component renders the one or more search results on the display device based on display constraints with the display device. However, **Cartmell** teaches a display is based on display constraints with the display device in column 15, lines 36-47 by disclosing, "The DSIP system can also obtain information about the device type of the client device and its display capabilities by using information in a variety of header fields (e.g., "HTTP_X_UP_SUBNO", "HTTP_UP_SUBNO" and "HTTP_SUBNO" for some wireless devices), and use this information in a variety of ways, such as to identify a Web page designed for the available display capabilities, or to modify an identified Web page to accommodate the available display capabilities (e.g., by changing an HTML Web page into a WML page to accommodate a wireless device, or by removing less important information to accommodate a smaller display area)." (column 15, lines 36-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos, Gerace and Nguyen to include identifying display constraints associated with the user's display device as taught by Cartmell in order to determine the configuration or application to best display results on a user device.

Claim 19:

As per claim 19, **Petropoulos**, **Gerace** and **Nguyen** teaches the device of claim 16 as described above and **Petropoulos** further teaches wherein at least one of the reports indicates a display limitation associated with a user, wherein the display limitation includes the type of machine operated by the user. However, **Cartmell** teaches a display is based on display constraints based on type of machine operated by user in column 15, lines 36-47 by disclosing, "The DSIP system can also obtain information about the device type of the client device and its display capabilities by using information in a variety of header fields (e.g., "HTTP_X_UP_SUBNO", "HTTP_UP_SUBNO" and "HTTP_SUBNO" for some wireless devices), and use this information in a variety of ways, such as to identify a Web page designed for the available display capabilities, or to modify an identified Web page to accommodate the available display

capabilities (e.g., by changing an HTML Web page into a WML page to accommodate a wireless device,
or by removing less important information to accommodate a smaller display area)." (column 15, lines 36-
47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to
modify Petropoulos, Gerace and Nguyen to include identifying display constraints associated with the
user's display device as taught by Cartmell in order to determine the configuration or application to best
display results on a user device.

5.   Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et
al. US Patent 7,047,502 B2 in view of Gerace US Patent 5,991,735 in view of Nguyen et al. US
Publication 2002/0023077 A1 as applied to claim 1 above, and further in view of Rodriguez US
Publication 2004/0059720 A1.

Claim 12:

As per claim 12, **Petropoulos**, **Gerace** and **Nguyen** teaches the device of claim 1 as described
above but do not teach the user feedback comprising at least one of user hard-coded preferences and
user behavior that facilitates customizing a manner in which the user views the listings. However,
Rodriguez teaches user feedback in paragraph 0023 disclosing "The system provides a number of
search capabilities to deliver search results in an organized and synchronized fashion. The user may
specify the style of the views, including the arrangements of the views provided by the system. The views
may include multimedia, multimedia and text, icons and text, text, etc."; "The system displays a selection
of views which allow the searcher to choose the format of the search results." And "The user selects
views from a user-customized favorite program files, and several graphic display and search switching
capabilities within the application." Therefore, it would have been obvious to one of ordinary skill in the
art at the time of the invention to modify Petropoulos, Gerace and Nguyen to add the feature of adding
hard coded preference as taught by Rodriguez in order to allow the user to customize the display of the
search results.

Claim 14:

As per claim 14, **Petropoulos**, **Gerace** and **Nguyen** teaches the device of claim 1 as described

above but do not teach the enhancement controller component temporarily hides or suppresses one or

more enhancements based at least in part upon user preferences.   However, **Rodriguez** teaches

suppressing one or more enhancements in paragraph 0023 disclosing "The system provides a number of

search capabilities to deliver search results in an organized and synchronized fashion. The user may

specify the style of the views, including the arrangements of the views provided by the system. The views

may include multimedia, multimedia and text, icons and text, text, etc." Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos, Gerace and

Nguyen to add the feature of temporarily hiding or suppressing one or more enhancements as disclosed

in Rodriguez in order to allow the user to see plain text search results without the enhanced graphics.

6.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. US

Patent 7,047,502 B2 in view of Gerace US Patent 5,991,735 in view of Nguyen et al. US Publication

2002/0023077 A1 as applied to claim 16 above, and further in view of Wang et al. US Publication

2007/0016491 A1.

Claim 20:

As per claim 20, **Petropoulos**, **Gerace** and **Nguyen** teaches the device of claim 15 as described

above but do not teach wherein the listing control component generates a plurality of parallel listings

wherein at least a subset of the plurality of parellel listings have respectively different enhancements to

assist the paid inclusion customer in optimizing listing performance and revenues.   However **Wang**

teaches assisting paid inclusion customer in optimizing performance in paragraph 0028 discloses "In turn,

the hotscores 240 are optionally used by another scoring system 250 that may apply the hotscores in

conjunction with text scores 252 and other scores 254 (e.g., paid inclusion scores) to generate a second

search result set 260 in response to the same search term that generated the first result set. FIG. 2

illustrates that the application of the hotscores has now affected the ordering of the documents and

possibly the addition or deletion of documents in the second result set, thereby providing better relevancy

in the second search result set." Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos, Gerace and Nguyen to assist the paid inclusion customer in optimizing listing performance as taught by Wang in order to determine the best and effective listings to provide the user.

7.   Claims 21-23 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. US Patent 7,047,502 B2 in view of Cartmell US Patent 7,337,910 B2 further in view of Nguyen et al. US Publication 2002/0023077 A1.

Claim 21:

As per claim 21, **Petropoulos** teaches a storage media comprising:

receiving a search request from a user, wherein the user provides the search request by utilizing a computing device having an associated display device (column 9, lines 30-33, "The user enters a search query into a search system on a client computer device.");

identifying a plurality of search results that are relevant to the search request (column 9, lines 33-39 "search results"), wherein the plurality of search results includes at least one paid inclusion listing (column 8, lines 28-37 "preview icons and defined areas");

retrieving user preferences from a database (column 6, lines 3-21 "…while in the Page Setup example the   conf   file   is   accessible   to   the   user.");

modifying the at least one paid inclusion listing according to a paid inclusion customer selected enhancement option (column 4, lines 15-19, column 6, lines 22-28 and column 11, lines 52-63 "In various implementations of the invention, defined areas may be in any shape or size, located anywhere on the page and may be in configured by a programmer, the user, or any process with sufficient access to the system.");

rendering the plurality of search results for display on the user's display device based in part upon the display constraints associated with the user's display device, the paid inclusion customer selected enhancement option, and the end user preferences (column 4, lines 14-19 and 42-45 and column 6, lines 3-21 "Furthermore, in order to reduce the appearance of aesthetic information overload, a user or programmer may control the maximum number of URLs displayed in a single preview.");

Petropoulos does not teach determining the type of display device associated with the user's computing device, thereby identifying display constraints associated with the user's display device. However, **Cartmell** teaches display constraints associated with the user's display device in column 15, lines 36-47 by disclosing, "The DSIP system can also obtain information about the device type of the client device and its display capabilities by using information in a variety of header fields (e.g., "HTTP_X_UP_SUBNO", "HTTP_UP_SUBNO" and "HTTP_SUBNO" for some wireless devices), and use this information in a variety of ways, such as to identify a Web page designed for the available display capabilities, or to modify an identified Web page to accommodate the available display capabilities (e.g., by changing an HTML Web page into a WML page to accommodate a wireless device, or by removing less important information to accommodate a smaller display area).". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include identifying display constraints associated with the user's display device as taught by Cartmell in order to determine the configuration or application to best display results on a user device.

Petropoulos and **Cartmell** do not teach reporting performance of the at least one paid inclusion listing to the paid inclusion customer to facilitate optimizing listing performance and revenues, wherein said reporting includes generating an enhancement component matrix and providing said matrix to the paid inclusion customer, said matrix comprising:

(1) at least one row corresponding to the at least one paid inclusion listing;

(2) a first column corresponding to the paid inclusion customer selected enhancement option, wherein the first column includes an indication that the corresponding paid inclusion customer selected enhancement option was applied to the at least one paid inclusion listing

(3) a second column corresponding to a performance attribute, wherein the performance attribute includes information about a user response to the at least one paid inclusion listing. However, **Nguyen** discloses a matrix with rows and column and providing matrix to customer in paragraph 0106 discloses, "The matrix search parameters, i.e., the GDS database, the ROW CONCEPTS and COLUMN CONCEPTS, and the HITs records of the results can be exported/copy filed into other directories by selecting the result ROW CELLS, COLUMN CELLS and PAIR CELLS. This enables the user to reorganize his data into other directories and also send collections of data to other users." Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos and Cartmell to include a plurality of rows and columns as disclosed in Nguyen in order to execute and show the different combinations or permutation possible in a matrix to a user.

Claim 22:

As per claim 22, **Petropoulos**, **Cartmell** and **Nguyen** teaches the media of claim 21 as described above and **Nguyen** wherein said matrix further includes a third column corresponding to an additional paid inclusion enhancement option, said third column including an indication that the additional paid inclusion enhancement option was not applied to the at least one paid inclusion listing (paragraph 0106). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos and Cartmell to include an enhancement matrix including of plurality of columns as taught by Nguyen in order to show the different performance attributes.

Claim 23:

As per claim 23, **Petropoulos**, **Cartmell** and **Nguyen** teaches the media of claim 21 as described above and **Petropoulos** further teaches wherein modifying the at least one paid inclusion listing includes balancing user preferences and paid inclusion customer preferences to optimize a value of the at least one paid inclusion listing with respect to both the user and the paid inclusion customer (column 11, line 65 to column 12, line 10 and column 12, lines 22-34 "These conclusions can be used to alter algorithm and/or data so that the same or similar queries will yield more relevant results.").

Claim 27:

As per claim 27, **Petropoulos**, **Cartmell** and **Nguyen** teaches the media of claim 21 as described above and **Petropoulos** further teaches the one or more selected enhancement options comprising at least one of:

bolding at least a portion of listing;

adding a background to at least a portion of listing;

changing text color of listing to an alternative color different from a standard listing color;

altering text font of listing to be different from a standard listing font;

increasing font size of listing greater than standard listing font size;

animating at least a portion of listing;

dynamically replacing at least a portion of listing with at least one search term;

adding a thumbnail to the listing corresponding to some content of the listing (column 8, lines 28-37 "preview icons and defined areas").

replacing listing text with a thumbnail that is representative of the content in the listing;

adding an icon to the listing that indicates a preferred status of the listing;

or positioning the listing apart from other listings while retaining ordering

rights based on relevance of listing with respect to search query.

Claim 28:

As per claim 28, **Petropoulos**, **Cartmell** and **Nguyen** teaches the media of claim 21 as described above and **Petropoulos** further teaches further comprising globally applying the one or more enhancements to a plurality of paid inclusion listings based on a consensus of behaviors associated with users in a particular service area (column 5, lines 3-11 "geographical location").

Claim 29:

As per claim 29, **Petropoulos**, **Cartmell** and **Nguyen** teaches the media of claim 21 as described   above   and   **Petropoulos**   further   teaches   wherein   the   one   or more enhancements are sensitive to cultural, time zone, and regional differences to mitigate offensive listings (column 11, lines 27-51 "This layer between the user and the search service creates an opportunity to remove offensive program content.").

Claim 30:

As per claim 30, **Petropoulos**, **Cartmell** and **Nguyen** teaches the media of claim 21 as described above and **Petropoulos** further teaches further comprising hovering a pointing device over the rendered enhanced listing to visualize enhancement (column 4, lines 1-7 "mouse over").

8.   Claim 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. US Patent 7,047,502 B2 in view of Cartmell US Patent 7,337,910 B2 in view of Nguyen et al. US Publication 2002/0023077 A1 as applied to claim 23 above, and further in view of Gerace US Patent 5,991,735.

Claim 24:

As per claim 24, **Petropoulos**, **Cartmell** and **Nguyen** teaches the media of claim 23 as described above but fails to disclose wherein balancing user preferences and paid inclusion customer preferences includes assigning one or more weights to each of the user and the paid inclusion customer. However, **Gerace** teaches assigning weights in column 18, lines 28-42 by disclosing, "As discussed above, sponsors have the ability to place ads according to demographic profile. To do so, advertisers/sponsors complete a template (preferably in the Ad Series Objects 33c) which allows them to list certain criteria as required, and to weight other criteria by importance. To ensure ads are shown to the appropriate target users, the sponsors then selects a minimum total weight which a user's demographic/psychographic profile must achieve before the advertisement is shown to the user. To ensure that sponsors achieve the optimal result from the ads they place, program 31 combines regression analysis with the above weighting technique to achieve real-time, automatic optimization as discussed previously. Under this auto-targeting system, an ad package is shown to general users". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos, Cartmell and Nguyen to include assigning weights as taught by Gerace in order to provide accurate and relevant search results to the user.

Claim 25:

As per claim 25, **Petropoulos**, **Cartmell**, **Nguyen** and **Gerace** teaches the media of claim 24 as described above and **Gerace** further teaches wherein the one or more weights are determined by utilizing artificial intelligence (column 18, lines 28-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos, Cartmell and Nguyen to include assigning weights by artificial intelligence as taught by Gerace in order to allow the computer to analyze characteristics of both the user and the paid inclusion customer.

9.   Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. US Patent 7,047,502 B2 in view of Nguyen et al. US Publication 2002/0023077 A1.

Claim 31:

As per claim 31, **Petropoulos** teaches storage media comprising:

receiving a first enhancement selection from the paid inclusion customer, wherein the first enhancement selection includes a selection of at least one enhancement option to be applied to a paid inclusion listing upon rendering the paid inclusion listing for display on a user's display device (column 4, lines 15-19, column 6, lines 22-28 and column 11, lines 52-63 "In various implementations of the invention, defined areas may be in any shape or size, located anywhere on the page and may be in configured by a programmer, the user, or any process with sufficient access to the system." and "paid inclusion program");

receiving a plurality of search queries from a plurality of users (column 9, lines 30-33, "The user enters a search query into a search system on a client computer device.");

generating a plurality of search results in response to receiving the plurality of search queries, wherein the plurality of search results includes a first paid inclusion listing and a second paid inclusion listing, wherein the first paid inclusion listing is identical to the second paid inclusion listing (Fig. 2);

enhancing the first paid inclusion listing with the enhancement selection (Fig. 2);

enhancing the second paid inclusion listing with a second enhancement selection, wherein the second enhancement selection is generated by the service provider the second enhancement selection being different from the first enhancement selection such that the second paid inclusion listing has a different appearance when displayed on a user's display device than the first paid inclusion listing when displayed on a user's display device (column 2, lines 42-50 "enhanced listing");

providing the plurality of search results to the plurality of users (column 9, lines 30-37, "search system returns a results page having JavaScript and DHTML technology.");

monitoring each user's behavior with respect to the corresponding search results to develop user historical data (column 11, line 65 to column 12, line 10 and column 12, lines 22-34 "These attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented.");

reporting data and inferences associated with the user historical data, wherein the data and inferences are analyzed to optimize listing performance and revenues data (column 11, line 65 to column 12, line 10 and column 12, lines 22-34 "These attributes of the user behavior may be forwarded across the network to a program-designated place and later used in a consideration process, which will lead to conclusions about the relevance of the results originally presented. These conclusions can be used to alter algorithm and/or data so that the same or similar queries will yield more relevant results.")

Petropoulos does not teach generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option and providing the enhancement component matrix to a paid inclusion customer and and providing the updated enhancement component matrix to the paid inclusion customer and generating an updated enhancement component matrix, wherein said generating includes;

(1) adding an indicating in each row-column pair that indicates whether the corresponding enhancement option was applied to the corresponding paid inclusion listing;

(2) addition a plurality of additional columns, each of the plurality of additional columns corresponding to user historical data associated with a paid inclusion listing performance attribute;

However, **Nguyen** discloses a matrix with rows and column and providing matrix to customer in paragraph 0106 discloses, "The matrix search parameters, i.e., the GDS database, the ROW CONCEPTS and COLUMN CONCEPTS, and the HITs records of the results can be exported/copy filed into other directories by selecting the result ROW CELLS, COLUMN CELLS and PAIR CELLS. This enables the user to reorganize his data into other directories and also send collections of data to other users." Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to add a matrix that includes a plurality of rows and columns and providing the matrix to a customer as disclosed in Nguyen in order to execute and show the different combinations or permutation possible in a matrix to a user.

Claim 32:

As per claim 32, **Petropoulos** and **Nguyen** teaches the media of claim 31 as described above and **Petropoulos** further teaches further comprising optimizing delivery of listings based at least in part upon at least one of the following: a user point of entry comprising a web-based entry and a user-application   entry,   time   of   day,   or   display device (column 12, lines 11-34 "The invention contemplates that the user's use of preview information is monitored while the user evaluates the results page" and "wherein a query or search is submitted").

Response to Arguments

10.   Applicant's arguments with respect to claims 1-25 and 27-32 have been considered but are moot in view of the new ground(s) of rejection. However, the applicant argues on page 28 of the remarks by disclosing "For example, Applicants are unable to find any disclosure in Nguyen of generating an enhancement component matrix, wherein the enhancement component matrix includes a plurality of rows, each of the plurality of rows corresponding to a paid inclusion listing, and a plurality of columns, each of the plurality of columns corresponding to an enhancement option. Moreover, Applicants are unable to find any disclosure in Nguyen of generating an updated enhancement component matrix by performing the steps recited in amended independent claim 31." However, the Examiner interprets the

limitation as formulating a matrix consisting of rows and columns which is taught by Nguyen by disclosing "The matrix search parameters, i.e., the GDS database, the ROW CONCEPTS and COLUMN CONCEPTS, and the HITs records of the results can be exported/copy filed into other directories by selecting the result ROW CELLS, COLUMN CELLS and PAIR CELLS. This enables the user to reorganize his data into other directories and also send collections of data to other users." in paragraph 0106.

11.   Claims 4, 7, 12, 16, 27 and 29 objected to informalities have been withdrawn.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW L. HAMILTON whose telephone number is (571)270-1837. The examiner can normally be reached on Monday-Friday 7:30a.m-5p.m EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

MLH
Examiner, Art Unit 3688
September 14, 2010

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3688